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Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR
Governor

January 8, 2014

Mr. Ron Lanza
4756 Suisun Valley Road
Fairfield, CA 94533-0659

**CITATION NO. 02-04-13C-003
TOTAL COLIFORM RULE MCL VIOLATION AND
GROUND WATER RULE MONITORING FAILURE
WOODEN VALLEY WINERY, SYSTEM NO. 4800784**

Dear Mr. Lanza:

Enclosed you will find Citation No. 02-04-13C-003 issued by the California Department of Public Health to the Wooden Valley Winery for failing to comply with Title 22, California Code of Regulations §64424, §64426.1(b)(2) and §64430. Specifically, Wooden Valley Winery violated drinking water standards for bacteriological water quality, and failed to collect an adequate number of repeat total coliform samples and a well source sample for *E. coli* analysis during the September 2013 monitoring period. The citation explains the details of the violation and the requirements with which Wooden Valley Winery must comply.

If you have any questions, please contact Mr. Marco Pacheco by phone at (510) 620-3467 or by e-mail at Marco.Pacheco@cdph.ca.gov.

Sincerely,

Stefan Cajina, P.E., Chief
North Coastal Region
Drinking Water Field Operations Branch

Attachment: Citation No. 02-04-13C-003 (Certified Mail No. 7007 0710 0000 5917 2354)

cc: Solano County Environmental Health Department (w/o attachment)

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

Name of Public Water System: Wooden Valley Winery

Water System Number: 4800784

To: Mr. Ron Lanza
4756 Suisun Valley Road
Fairfield, CA 94534

Issued: January 8, 2014

CITATION FOR NONCOMPLIANCE

**With Title 22 of the California Code of Regulations Sections 64424,
64426.1 (b)(2), and 64430**

Section 116650 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued thereunder.

The Division of Drinking Water and Environmental Management of the State of California Department of Public Health (Department) hereby issues a citation to the Wooden Valley Winery (System) for failure to comply with Title 22, California Code of Regulations (CCR) Sections 64424, 64426.1(b)(2), and 64430.



APPLICABLE AUTHORITIES

Section 116650 of the CHSC states in relevant part:

- (a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- (e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.



1 Title 22, California Code of Regulations, Section 64424 states in relevant
2 part:

3
4 (a) If a routine sample is total-coliform positive, the water supplier shall collect a
5 repeat sample set as described in (a)(1) within 24 hours of being notified of the
6 positive result. The repeat samples shall be collected within the same 24 hour
7 time period. A single service connection system may request that the
8 Department allow the collection of the repeat sample set over a four-day period.

9 (1) ...For a water supplier that normally collects one or fewer samples per
10 month, a repeat sample set shall be at least four samples for each total-
11 coliform-positive sample.

12 Title 22, California Code of Regulations, Section 64426.1(b)(2) states in
13 relevant part:

14
15 When a public water system collects fewer than 40 samples per month, the public
16 water system is in violation of the total coliform MCL if more than one sample
17 collected during any month is total coliform-positive.

18
19 CCR, Title 22, Section 64430, incorporating by reference 40 Code of
20 Federal Regulations, Section 141.402 states in relevant part:

21 (a) *Triggered source water monitoring* —

22 (1) *General requirements.* A ground water system must conduct triggered
23 source water monitoring if the conditions identified in paragraphs (a)(1)(i)
24 and (a)(1)(ii) of this section exist.

25 (i) The system does not provide at least 4-log treatment of viruses
26 (using inactivation, removal, or a State-approved combination of 4-log
27 virus inactivation and removal) before or at the first customer for each
ground water source; and



1
2 (ii) The system is notified that a sample collected under 22 California
3 Code of Regulations sections 64422 and 64423 is total coliform-positive
4 and the sample is not invalidated under 22 California Code of
5 Regulations section 64425.

6 (2) *Sampling requirements.* A ground water system must collect, within 24
7 hours of notification of the total coliform-positive sample, at least one
8 ground water source sample from each ground water source in use at the
9 time the total coliform-positive sample was collected under 22 California
10 Code of Regulations sections 64422 and 64423, except as provided in
11 paragraph (a)(2)(ii) of this section....
12

13 STATEMENT OF FACTS

14 The System is a transient noncommunity water system in Suisun Valley,
15 western Solano County. The System reportedly serves 18 employees and
16 approximately 50 visitors daily through one service connection. Water is
17 used for human consumption, handwashing, and for wine production
18 process water. The source of supply is one groundwater well.

19 The System collected 5 routine bacteriological samples on 9/30/2013. The
20 results of all 5 routine samples were total coliform-positive and *E. coli*-
21 negative. The System collected 4 repeat bacteriological samples on
22 10/3/2013. The results of all 4 repeat samples were total coliform-negative.
23 Pursuant to Section 64424, the System is required to collect 4 repeat
24 samples for each routine total coliform positive result. The System failed to
25 collect the required total number (20) of repeat samples. Pursuant to
26 Section 64426.1(b), the System is in violation of the total coliform MCL.
27 Pursuant to Section 64430, the System is required to collect a triggered



1 source sample from each well in use at the time the positive routine sample
2 was collected.

3
4 As of the date of this citation, the Division of Drinking Water and
5 Environmental Management of the Department has not received any repeat
6 triggered source water samples from the System.

7 8 DETERMINATIONS

9 10 THE DEPARTMENT HAS DETERMINED:

11 The System violated Title 22 of the CCR, Sections 64424, 64426.1(b)(2)
12 and 64430, in that the System failed to collect the required number of repeat
13 samples, violated the total coliform MCL, and failed to collect a triggered
14 source sample for the September compliance month.

15 16 DIRECTIVES

17
18 Wooden Valley Winery is hereby directed to take the following actions:

- 19
- 20 1. Comply with Sections 64424, 64426.1 (b)(2), and 64430 in all future
21 monitoring periods.
 - 22 2. Notify all persons served by the System of the failure to sample, in
23 conformance with Section 64463.4 and Section 64465, Title 22 of the
24 CCR, and as follows:
 - 25 a) Completion of Attachment A to include the name, address, and
26 telephone number of a System representative as a source of
27 additional information concerning the public notice. **You must**



1 **also give a legible, written description (preferably typed) of**
2 **the corrective actions taken by the water system to prevent**
3 **this violation from occurring in the future. You must use the**
4 **space provided on Attachment A for this written description.**

5
6 b) Post the notice contained in Attachment A, **after it has been**
7 **completed in accordance with (a) above**, in conspicuous
8 locations throughout the area served by the System. Posting
9 must begin no later than **January 13th, 2014**, and must continue
10 for seven days.

11 3. Pursuant to Section 64430, Title 22 of the CCR and Section
12 141.402(a) Title 40, Code of Federal Regulations, Wooden Valley
13 Winery shall collect a sample from the well source and have the
14 sample analyzed for *E. coli* by **January 13th, 2014**.

15
16 4. The System shall complete the attached Compliance Certification
17 form and return it to the Department within 10 days of the public
18 notice being given to system customers but in no case later than
19 **January 23rd, 2014. A copy of the notice posted to the**
20 **customers must be attached to the form.**

21 The Department reserves the right to make such modifications to this
22 Citation, as it may deem necessary to protect public health and safety.
23 Such modifications may be issued as amendments to this Citation and shall
24 be effective upon issuance.

25
26 Nothing in this Citation relieves the System of its obligation to meet the
27 requirements of the California Safe Drinking Water Act (CHSC, Division



1 104, Part 12, Chapter 4, commencing with Section 116270), or any
2 regulation, standard, permit or order issued thereunder.

3
4 All submittals required by this Citation shall be submitted to the Department
5 at the following address:

6
7 Stefan Cajina, P.E.
8 Department of Public Health
9 Drinking Water Program
850 Marina Bay Parkway, Bldg-P. 2nd Floor
Richmond, CA 94804

10
11 **PARTIES BOUND**

12
13 This Citation shall apply to and be binding upon the System, its officers,
14 directors, agents, employees, contractors, successors, and assignees.


15
16 **SEVERABILITY**

17 The directives of this Citation are severable, and the System shall comply
18 with each and every provision thereof notwithstanding the effectiveness of
19 any provision.
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FURTHER ENFORCEMENT ACTION

Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the California Health and Safety Code authorizes the Department to: issue additional citations with assessment of penalties if the System continues to fail to correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the System has violated applicable law or regulations or has failed to comply with orders of the Department; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Department. The Department does not waive any further enforcement action by issuance of this citation.



Stefan Cajina, P.E., Chief
North Coastal Region
Drinking Water Field Operations Branch



Date

Certified Mail No. 7007 0710 0000 5917 2354



COMPLIANCE CERTIFICATION

Citation Number 02-04-13C-003

Name of Water System: **Wooden Valley Winery**

System Number: **4800784**

Certification

I certify that the users of the water supplied by this water system were notified of the repeat and triggered source sampling violations of Title 22, California Code of Regulations (CCR) for the compliance period of September.

Required Action

Date Completed

Complete Attachment A, as required by Directive 2(a)

Public Notification – Posting

Triggered Source(s) sample(s) and analyzed for *E. coli*.

Signature of Water System Representative

Date

Attach a copy of the notice delivered to the customers.

<p>THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT NO LATER THAN 01/23/2014</p>

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.

To all School Administrators, Rental Property Owners, and Business Property Owners:

You must provide public notification within 10 days of the receipt of the following notice from **Wooden Valley Winery** [Health and Safety Code Section 116450(g)]. The notification must be provided as follows:

SCHOOLS: Must give written notification to school employees, students, and parents (if the students are minors).

RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including but not limited to apartment complexes, nursing home facilities, other care facilities): Must give written notification to tenants/patients. Must give written notification to employees (if applicable).

BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS (including but not limited to restaurants, stores, hospitals, churches, clubs, daycare facilities, offices, other businesses): Must give written notification to employees and members. Must post in conspicuous places for customers/visitors (if applicable).

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene informacion muy importante sobre su agua potable. Traduzcalo o hable con alguien que lo entienda bien.

WOODEN VALLEY WINERY Had Levels of Coliform Bacteria Above the Drinking Water Standard and Failed to Perform Follow up Testing for *E. coli*—September 2013

Our water system recently violated a drinking water standard during September. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we did to correct the situation. Please share this information with other people who drink this water, especially those who may not have received this notice directly. You can do this by posting this notice in a public place or giving out copies by hand or mail.

What happened?

We routinely monitor our drinking water for contaminants. We took 9 water samples to test for the presence of coliform bacteria during September. 5 of our samples showed the presence of coliform bacteria. The standard is that no more than 1 sample per month may test positive for bacteria. The positive samples were tested further for fecal coliform. **No fecal coliform or *E. coli* were found.** However, our drinking water exceeded the maximum contaminant level allowed for total coliform bacteria, as specified in Section 64426.1, Title 22 of the California Code of Regulations (CCR). We failed to collect the proper number of repeat samples following the positive results, as required by Section 64424, Title 22 CCR. We also failed to sample our well directly for *E. coli* bacteria within 24 hours of the coliform positive results, as required by the Section 64430, Title 22 CCR.

What does this mean?

Coliform bacteria are indicators of potential contamination and may originate from human, animal, or soil sources. If water is tested for coliform bacteria and it is found to be absent, the water can be considered safe from bacteria. If the water is not tested, consumption of the water may not necessarily result in illness, but that possibility exists. Follow up source sampling is important to verify the quality of drinking water after a positive result in our piping system.

What should I do?

You do not need to boil the water or take any corrective actions. This is not an emergency. If you have health concerns, you may wish to consult your doctor. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at (800) 426-4791.

What corrective actions have been taken to prevent this violation from occurring in the future?

This notification of the public is being done in compliance with Section 64463.4, Title 22 of the CCR as a means of keeping the public informed.

Persons wishing more information should contact:

(water system contact name)

(address)

(phone number)